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HUMAN RIGHTS COMMITTEE
Sixty-second session

HUMAN RIGHTS COMMITTEE

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 40 OF THE COVENANT

Concluding Observations of the Human Rights Committee

Cyprus

1. The Committee considered the third periodic report of Cyprus (CCPR/C/94/Add.1) at its 1647th and 1648th meetings held on 24 March 1998 (see CCPR/C/SR 1647 and 1648), and adopted at its 1663rd meeting (CCPR/C/SR 1663 meeting held on 3 April 1998) the following comments:

A. Introduction

2. The Committee welcomes the timely and comprehensive report submitted by the Government of Cyprus, as well as the information provided in the supplementary report to the third periodic report. The Committee notes with satisfaction that the concluding observations made in connection with the second periodic report

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have been largely taken into account by the Government of Cyprus in the report under consideration. The Committee expresses its appreciation of the constructive dialogue with the delegation which enabled it to gain a deeper understanding of the human rights situation in Cyprus, in particular of the mandates and functioning of the national machineries in place to protect and promote human rights in the country.

B. Factors and difficulties affecting the implementation of the Covenant

3. The Committee notes that the State party, as a consequence of events that occurred in 1974 and resulted in the occupation of part of the territory of Cyprus, is still not in a position to exercise control over all of its territory and consequently cannot ensure the application of the Covenant in areas not under its jurisdiction. The Committee also notes that, as a consequence of the same events, a number of citizens of both Greek and Turkish communities continue to be missing, making it impossible for the State party to provide any information about the protection of their rights.

C. Positive aspects

4. The Committee welcomes the establishment of a Commissioner for Administration with the mandate to investigate, inter alia, alleged cases of ill-treatment, inhuman and/or degrading treatment and torture. The Committee also notes the decision by the Council of Ministers to establish a National Institution for Human Rights, which should be an independent body charged with monitoring the

compliance by the Government of Cyprus with its obligations under international human rights instruments.

5. The Committee expresses its appreciation over the revision of the legislation concerning prisons and of its regulations which have, in particular, facilitated the establishment of a register for detainees. It also welcomes the creation of an independent Prison Council.

6. The Committee also notes with satisfaction the incorporation of a human rights course element into the core training programme for police officers and for government officials.

7. The Committee welcomes the establishment of a Family court with jurisdiction over civil and religious marriage

8. The Committee also welcomes the recent agreement between the Government of Cyprus and the representatives of the Turkish Cypriot authorities to resolve the fate of the persons disappeared and missing since 1974 and encourages both sides to continue their efforts with the assistance of international mediation.

D. Principal subjects of concern and the Committee's recommendations

9. The Committee notes as a general concern the long delays and obstacles experienced in enacting into law many desirable proposals for new legislation on a number of matters and strongly urges the State party to take all necessary steps

to remedy this situation in order to implement the provisions of the Covenant more comprehensively at the national level.

10. The Committee regrets the persistence of inequality between men and women in law and in practice in Cyprus. It is concerned that discriminatory provisions on the basis of sex continue to inhibit the full enjoyment by women of their human rights, in particular in laws relating to marriage, nationality, immigration, employment and education. The Committee urges the State party to adopt legislative measures to eliminate sex-based discrimination in all relevant areas.

11. The Committee notes with concern the discriminatory legal provisions which penalize homosexual acts and urges the State party to repeal them.

12. The Committee is concerned that the new law on prevention of violence within the family has not produced the expected positive results and urges the State party to adopt appropriate measures to improve the situation. A reform of the law on evidence should take into account the possibility of eliminating obstacles to a spouse providing testimony against another spouse on domestic violence.

13. The Committee is concerned that the adoption of a proposed new law regulating civil debt has been unreasonably delayed and recommends the State party to ensure that the requirements of article 11 of the Covenant be fully met.

14. The Committee reiterates its concern that, while the Covenant has superior force to domestic law under the Constitution and may be invoked in the courts,

there remain uncertainties as to which provisions of the Covenant are self-executing within domestic law of the State party and which require specific legislation.

15. While the Committee notes the enactment of a new law regulating public assemblies and processions, it is concerned about the conditions which the appropriate authorities may impose regarding the conduct of assemblies and processions upon receiving the required advance notification. The Committee also notes that the advance notice required to be given is too early and may unduely curtail freedom of assembly. The Committee reiterates that restrictions on freedom of assembly must be limited only to those which are in conformity with article 21 of the Covenant.

16. The Committee is concerned that the age criminal responsibility is still fixed at seven years, and that marriageable age is defined as the onset of puberty. The Committee further reaffirms its position that corporal punishment is prohibited under the Covenant.

17. The Committee remains concerned about the discriminatory treatment accorded to conscientious objectors in Cyprus, who may be subject to punishment on one or more occasion for failure to perform military service. The Committee recommends that the proposed new law concerning conscientious objectors ensure their fair treatment under the law and eradicate lengthy imprisonment as a form of punishment.

18. Considering the repeated allegations of discrimination against Cypriot citizens of Turkish origin, including issues of employment and identity cards, the Committee regrets the lack of concrete information on the situation of those citizens, and requests the Government of Cyprus to provide detailed information on this matter in the fourth periodic report.

19. In relation to cases of alleged brutality, ill-treatment, and torture by the police, the Committee urges the State party to take firm measures to ensure an effective remedy to any victim of such human rights violation. In this connection, the Committee is concerned about the apparent reluctance of victims of violence and ill-treatment to testify before the relevant instances and recommends that the State party take every possible measure to correct the situation, including increased public information activities to educate the public on redress mechanisms available at the national level, their mandates and their functioning.

20. The Committee recommends that the legal profession as well as the legislative, judicial and administrative authorities be provided with adequate information on the provisions of the Covenant and its optional protocols. The Committee also recommends that appropriate publicity be given to the third periodic report and its consideration by the Committee, including these observations.